

Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

In the previous Response, claims 11-13, 19-20, and 24-30 were canceled without prejudice. No claims have been added or amended in the present Response. Consequently, claims 1-10, 14-18, 21-23, and 31-47 are currently pending. In the present Response, claims 31, 32, 35, 36, and 42-47 have been withdrawn from consideration. Thus, claims 1-10, 14-18, 21-23, 33, 34, and 37-41 are currently pending and under consideration.

In item 1 of the Office Action, the applicants were required to elect one of the following invention groups:

- Invention I: Claims 1-10, 14-18, 21-23, and 31-42, drawn to a sampling apparatus for collecting bodily fluid from a skin incision
- Invention II: Claims 43-47, drawn to a process for collecting bodily fluid from a skin incision

In item 6 of the Office Action, the applicants were required to elect one of the following species:

- Species A: Figures 1-4
- Species B: Figures 5-8
- Species C: Figures 9-10
- Species D: Figures 11-12
- Species E: Figures 13-16

In response to the restriction requirement, the Applicants hereby elect, with traversal (as discussed below), the Group I invention (claims 1-10, 14-18, 21-23, and 31-42, drawn to a sampling apparatus for collecting bodily fluid from a skin incision) for prosecution. As a result, claims 43-47 have been withdrawn from consideration. In addition, the Applicants hereby elect, with traversal (as discussed below), Species D (FIGS. 11-12) for prosecution. Consequently, claims 31, 32, 35, 36, and 42 have been withdrawn from consideration.

In traversal, it is respectfully submitted that the above-mentioned claims could be examined together without imposing an undue burden. As stated in § 803 of the Manual of Patent Examining Procedure, “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions.” Under this standard, it is believed the search of the above-identified groups and species jointly would not impose a serious burden. This is especially true in this case where a search and examination was already conducted, as evidenced by the July 17, 2006 non-final Office Action. For these and other reasons, it is requested that the Restriction Requirement be withdrawn.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance, and the Examiner is requested to pass the case to issue. If the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the applicants' undersigned representative by telephone.

Respectfully submitted,

By /Charles P. Schmal #45,082/
Charles P. Schmal, Reg. No. 45082
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456